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Convention on the Elimination of All Forms of Discrimination against Women

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Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues and questions in relation to the seventh periodic report of Paraguay

Constitutional, legislative and policy framework

1. The Committee notes that, although article 46 of the Constitution prohibits discrimination, the legislation of the State party does not provide a definition of discrimination in accordance with article 1 of the Convention. The State party indicates in its seventh periodic report (CEDAW/C/PRY/7) that a bill against all forms of discrimination, initially submitted to the National Congress in 2007 by a network of civil society organizations, was rejected in November 2014 (para. 15).[1] In accordance with the State party's obligations under articles 1 and 2 of the Convention and in line with target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere, please indicate whether any measures have been taken, or are envisaged, to amend the Constitution and to adopt the proposed bill and other relevant legislation to incorporate the principle of equality of women and men and define and prohibit all forms of discrimination against women, including direct, indirect, formal and substantive discrimination by State and non-State actors in the public and private spheres.

Access to justice

2. Reference is made in the report to a number of legislative protocols that have been adopted by the State party to improve access to justice for disadvantaged groups, including persons with psychosocial disabilities (resolution No. 224/15), transgender persons deprived of liberty (resolution No. 744/15) and older persons deprived of liberty (resolution No. 790/15) (para. 12). The State party further notes the adoption of a national programme for women deprived of liberty

Note: The present document is being circulated in English, French and Spanish only.

[1] Unless otherwise indicated, paragraph numbers refer to the seventh periodic report of the State party.

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(resolution No. 168/15) (para. 13). Please indicate whether a gender perspective has been applied in the development of these protocols as a means of preventing intersecting discrimination against women deprived of liberty and, if so, whether its impact has been evaluated.

3. Please provide information on any steps taken to address the persistent barriers that prevent women, especially rural and indigenous women, from gaining access to justice. Please also indicate whether the decentralization of the judiciary has improved access to justice for women living in rural and remote areas. In addition, please provide examples of cases, if any, in which the provisions of the Convention have been referred to by national courts, and indicate what measures have been taken to inform women about procedures available to them to enforce their rights under the Convention, to challenge discrimination and to obtain redress. Please indicate whether low-income women have adequate access to legal aid.

National machinery for the advancement of women

4. Please indicate how the decision to raise the status of the national Women's Secretariat to the level of Ministry of Women's Affairs in 2012 has strengthened the national machinery for the advancement of women in the State party. Please indicate what measures have been taken to ensure harmonization between the Ministry and the various mechanisms for promoting gender equality that have been created within a number of sectoral ministries and State institutions (para. 3), in particular those at the municipal and local levels. Please indicate whether the aforementioned entities have clearly defined mandates and responsibilities and whether they are provided with adequate human and financial resources. Please also indicate what measures are in place to ensure that decentralization does not hinder coordination among municipal entities dealing with gender equality, especially in rural and remote areas.

5. Please provide information on the Strategic Institutional Plan 2014-2018 referred to in paragraph 5 of the report, indicating whether the national machinery will be responsible for its implementation, coordination, monitoring and evaluation, and whether adequate resources will be available to carry out these functions.

Temporary special measures

6. Reference is made in the report to various initiatives developed to facilitate women's participation in political and public life. Please indicate what criteria were applied when adopting them. Please also indicate whether the State party envisages the adoption of other temporary special measures in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, in order to accelerate women's full and equal participation in all areas covered by the Convention, especially those in which they are disadvantaged or underrepresented.

Stereotypes and discriminatory practices

7. Please elaborate on any measures that are in place, at the level of society and within the family and school environment, to address multidimensional discrimination against women based on the multicultural and multi-ethnic character of the country. Please specify whether any measures have been taken by the State party to develop a comprehensive policy to change social and cultural patterns that reinforce traditional stereotypes regarding the roles and responsibilities of women and men in the family and in society. Please also indicate how the State party regulates the Media Observatory in its role as a monitoring mechanism to eliminate discriminatory stereotypes against women in the media. Please provide specific

details on the outcome of discussions with community radio stations (para. 25) and media campaigns to address gender-based violence (para. 26).

Violence against women

8. A number of legislative advances to address the high rates of gender-based violence in the State party are outlined in the report, including a bill on the comprehensive protection of women from all forms of violence (para. 11). According to information before the Committee, the bill was adopted in 2016 (Act No. 5777/16). Please indicate what measures have been taken, including the provision of sufficient human, financial and technical resources, to ensure the full and effective implementation of the aforementioned Act throughout the country. Please also clarify why, according to information before the Committee, the word "gender" was deleted from the entire text of the Act. Please indicate what measures are envisaged to provide adequate training for the judiciary, police officers and public health officials in identifying the causal factors of gender-based violence when dealing with individual cases.

9. Please provide details on how relevant stakeholders, including civil society, have been involved in implementing the national plan for the prevention of, care in relation to, protection from and follow-up in cases of violence against women, 2015-2020, referred to in paragraph 34 of the report. Please provide an update on the efforts under way to establish a mechanism for systematic data collection on violence against women as a means of ensuring that nationwide data will be collected, analysed and shared for the purposes of effectively combating violence against women and girls (para. 45). Please provide information on what steps have been taken to ensure that the guidelines on investigating cases of family violence or gender-based violence (General Instruction No. 9/2011) are appropriately applied by police officers and prosecutors in such cases (para. 39).

10. Please also indicate the steps taken by the State party to conduct awareness-raising campaigns, in particular for girls, parents and caregivers, in order to prevent the stigmatization of victims of sexual violence and abuse. Given the high levels of pregnancy among girls between 10 and 19 years of age, and the indications that many of those cases involve sexual violence and abuse, please provide information on the measures taken to investigate the cause of these pregnancies and to promptly prosecute all cases of sexual abuse of girls.

Trafficking

11. According to information before the Committee, the State party is a source and destination country for women and girls subjected to sex trafficking and forced labour. The State party notes in the report that Act No. 4788/12 on the trafficking of persons was adopted in 2012, along with a number of implementing mechanisms (para. 47). Please indicate whether the proposal to incorporate into the national budget a national fund to invest in the prevention of trafficking in persons and in care for the victims thereof has been approved (para. 47). Please provide information on the number of cases of trafficking in persons, particularly women and girls, that have been investigated, including those reportedly perpetrated by public authorities and law enforcement personnel, and specify the nature of the sanctions imposed. Please indicate what measures are in place to implement the National Policy for Preventing and Combating Trafficking in Persons, and specify whether civil society is fully involved in public policy discussions to combat trafficking through the inter-agency board established pursuant to Act No. 4788/12. Please indicate what specific measures have been taken to prevent trafficking for the purposes of sexual exploitation and forced labour of indigenous women, adolescents and girls.

Participation in political and public life

12. Please provide information on measures taken to strengthen the system of quotas aimed at reaching a minimum of 20 per cent representation of women in the parliament (para. 56) and to support women candidates for elected positions in the State party, in particular at the local level. Please indicate whether any measures are in place to increase the representation of women within the diplomatic service. Please provide an update on the bill on democratic parity submitted to the Senate in 2016, including a time frame for its adoption. Please also indicate what measures have been taken to address the structural barriers preventing indigenous and rural women from enjoying full and equal participation in political decision-making.

Human rights defenders

13. Please indicate whether protection mechanisms are in place to address allegations of intimidation and harassment against women human rights defenders and lawyers working on issues of violence against women and sexual and reproductive rights. In particular, please provide details of any investigations carried out in response to recommendations made by the Committee on the Elimination of Racial Discrimination in 2016 (see CERD/C/PRY/CO/4-6, para. 30) in relation to allegations of possible arbitrary acts by public authorities against human rights defenders, including indigenous leaders and defenders of the rights of indigenous peoples.

Education

14. Please provide updated information on the progress made to develop age-appropriate education on sexual and reproductive health and rights at all levels of education in the State party. In particular, please indicate what measures are being taken to address the increase in pregnancy rates among girls aged between 10 and 19 years of age (who account for 20 per cent of total pregnancies) (para. 71), and describe how the public campaign on adolescent pregnancy in Paraguay has been disseminated and whether its impact has been evaluated. Please also provide data on the dropout rates of girls owing to pregnancy and the indirect costs of education that might impede access by women and girls to education, especially in female-headed households and indigenous communities. Please specify what measures have been taken to assist the return of adolescent mothers to school to complete their education, indicating whether any such measures have had any impact on overall dropout rates among girls. Please indicate what measures are contemplated to increase female participation in non-traditional areas of vocational training and in technology- and science-based studies at the secondary and tertiary levels. Please also specify what measures have been taken to address illiteracy rates among adult women, especially rural and indigenous women.

Employment

15. Please provide information on the specific measures taken to promote women's employment in non-traditional, higher-waged sectors, including through the use of temporary special measures, and to enforce the principle of equal pay for work of equal value, in line with the Equal Remuneration Convention, 1951 (No. 100), of the International Labour Organization. Following the adoption of Act No. 4819/2012 on the rights of domestic workers, please indicate what measures have been taken to implement the Committee's previous recommendation to strengthen monitoring on unpaid domestic child labour (*criadazgo*) and implement policies aiming at eradicating the practice, as well as to conduct awareness-raising campaigns through the media and public education programmes

(see CEDAW/C/PRY/CO/6, para. 29). Please also indicate whether any steps have been taken to address the concerns raised by the Committee on Migrant Workers in 2012 (see CMW/C/PRY/CO/1, para. 26) in relation to allegations of abuse experienced by domestic workers, including forced labour, excessively low wages and excessively long working hours. Please provide details on whether labour inspection mechanisms are in place throughout the country, as well as on any particular trends that have been identified in terms of the type of violations that are faced by female employees and what mechanisms are in place to address them.

Health

16. Please provide information on the implementation of Act No. 4313/11 on securing budget allocations to provide for birth kits and contraceptives and indicate how these kits are distributed, in particular to women living in rural areas and indigenous women. Please provide information on the obstacles preventing the adoption of the bill on sexual, reproductive and perinatal maternal health, since, according to information before the Committee, it was included in the legislative agenda for the third time in 2013, but the Senate was reportedly unable to consider it. Please also provide updated information on the maternal mortality rate and its principal causes. In addition, please indicate how the State party plans to implement the national campaign for reducing maternal and infant mortality (para. 86) and clarify whether sufficient budgetary allocations are in place for its application.

17. Given that the maternal mortality rate includes a high percentage of deaths caused by unsafe abortions, please explain what measures that do not imply penalization for women are in place to prevent such abortions. Please further indicate what measures are in place to implement the guidelines on providing comprehensive post-abortion care services, and specify whether the impact of the services provided has been evaluated. Please also indicate whether any measures have been taken to review the restrictive abortion law, which authorizes the termination of a pregnancy only when the life of the woman or girl is at serious risk and does not provide for any other exceptions, even in cases of rape, incest or serious impairment of the foetus.

18 Given the high level of adolescent pregnancy and indications that many schoolgirls under the age of consent are resorting to abortions, please provide information on what measures are being taken to address this problem. Please also provide details on the programmes to reduce early pregnancies mentioned in paragraph 71 of the report and the services to ensure that adolescent mothers are provided with the necessary support in terms of nutrition, health and psychosocial care.

Women with disabilities

19. Please indicate what measures have been taken to implement the National Plan of Action for the Rights of Persons with Disabilities 2015-2030. Please provide information on the extent to which women with disabilities are disproportionately affected by poverty and lack of access to health services, education and employment. Please provide specific examples of existing social protection schemes aimed at reducing the economic burden on women in disadvantaged groups, including women with disabilities. Please indicate what measures are in place to ensure that women and girls who are victims of violence, including women with disabilities, have adequate access to medical and psychosocial assistance, and also to victim and witness protection programmes. Please indicate what measures are in place to address violations of reproductive rights faced by women with disabilities, including forced sterilization. Please also provide details of steps taken to prevent

sexual and economic exploitation, abuse and trafficking of indigenous women with disabilities.

Indigenous and rural women

20. In the report, the State party outlines measures taken to achieve equality for rural women and indigenous women (para. 97). Please provide an update on the implementation of these programmes and indicate whether their impact on women living in extreme poverty has been evaluated. In line with general recommendation No. 34 (2016) on the rights of rural women, please describe the extent to which rural women and indigenous women, including women of African descent, have been involved in the development of the aforementioned programmes and others outlined in the report to address extreme poverty, especially in the Chaco region. Please indicate how the State party reconciles rural development with the demarcation of the ancestral land rights of indigenous communities. Please also indicate what measures are in place to ensure that indigenous women have control over their resources and are able to practise their traditional way of life.

Refugees and asylum-seeking women

21. The report does not provide information on the situation of refugee and asylum-seeking women in the State party or on asylum claims based on gender-related persecution. Please provide information on the measures taken to address existing protection gaps concerning the rights of female refugees and asylum seekers and to enhance the effectiveness of the Refugee Act (Act No. 1938/02). Please indicate whether the draft comprehensive decree currently being revised by the National Refugee Commission has been adopted. Please indicate whether efforts have been undertaken to establish a formal mechanism to identify persons in need of international protection, including women refugees, stateless women and victims of trafficking in persons. Please indicate whether a comprehensive strategy has been adopted to identify, prevent and respond to situations of sexual and gender-based violence affecting refugee and asylum-seeking women and girls and to ensure that they have adequate access to shelters and medical and counselling services, in line with joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2014) on harmful practices.

Marriage and family relations

22. It is noted in the report that although the minimum age for marriage has been increased to 18 years through the promulgation of Act No. 5419/15, the Act includes a provision that, in exceptional circumstances and with the consent of a parent, guardian or judge, marriage may be permitted at 16 years of age. Please indicate what safeguards are in place to protect girls under 18 years of age who have been allowed to marry. Please also specify what measures have been taken to change cultural attitudes to early marriage through the dissemination of awareness-raising campaigns, in particular among rural and indigenous communities. Please indicate whether there is a mechanism in place to register child marriages, especially in rural, remote and indigenous areas.